



Posted: Friday, March 06, 2015

NOTICE AND CALL OF A SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold a special meeting on
MONDAY, MARCH 09, 2015 at 5:00 PM

**THIS MEETING WILL PRECEED THE SPECIAL GOALS AND PRIORITIES MEETING
SCHEDULED FOR 6:00PM**

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. APPROVAL OF AGENDA**
- IV. ITEMS FROM THE FLOOR**
(Three (3) minute limit per Speaker unless Council approves request for extended time.)
- V. CONSENT AGENDA - None**
- VI. DISCUSSION/ACTION AGENDA ITEMS**
 - 1. Discussion/Decision regarding Draft Vacation Dwelling Unit Ordinance.
- VI. REQUEST FOR FUTURE AGENDA ITEMS**
- VII. ADJOURNMENT TO NEXT MEETING SCHEDULED FOR 6:00PM**



DISCUSSION AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH:	<u>PAGES</u>
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1. Discussion/Decision regarding Draft Vacation Dwelling Unit Ordinance.

AGENDA ITEM

Date: March 9th 2015

Item: Review of the Vacation Dwelling Unit Ordinance

Summary: The Council approved a final version of the Vacation Dwelling Unit (VDU) Ordinance last fall through a first reading in October, and a second reading and adoption in November. Coastal Commission approval is required for the Ordinance to take effect. The Coastal Commission is considering the Ordinance this Wednesday March 11th. It is on their consent agenda with a staff report recommending approval.

One of the restrictions in the ordinance is a limitation of one VDU per parcel. In the last weeks it has been brought to the City's attention that this limitation would force a change in rental practices on a particular property in the City. That property owner did not anticipate this impact until this late date in the process, feels that this impact is unnecessary and may not have been anticipated by the Council, and has requested an opportunity to review this situation with the Council before the VDU Ordinance receives final approval by the Coastal Commission.

The property in question is an apartment building between the Eatery and the Holy Trinity Church. It has four two bedroom apartments. Three are being rented as VDUs, and the owner is trying to find a way to continue this practice.

There are two key questions here.

Does the existing Ordinance language allow for more than one of the four units to be used as a VDU?

Does the Council want to pull the Ordinance back from the Coastal Commission and develop changes to the Ordinance.

On the first question, staff's interpretation of the Ordinance is no. Renting multiple units in this structure independently as VDUs seems to be in direct contradiction to the '1 per parcel' language of the Ordinance.

The only potential fix within the language that staff can envision is if all three units were rented as a single unit, to a single party. Then it would be one VDU, consisting of three two bedroom apartments.

It's worth thinking about how this interpretation would apply with a more common situation in Trinidad, a typical single family residence with a separate Accessory Dwelling Unit (ADU), i.e. a mother-in-law type unit on the same parcel. The ordinance language reads as though the owner cannot rent both the primary and the ADU structures as two separate VDUs. However staff currently interprets this language so as to allow the owner to rent the combination of the two units as one VDU.

The largest question at issue for this discussion is whether the Council wants to change the VDU Ordinance.

If so, there will likely be a minimum delay of six to nine months before a revised Ordinance will take effect. This time frame will depend in part on how extensive the changes are, and whether they trigger any new concerns with the Coastal Commission.

In this case Council would direct staff to notify the Coastal Commission that the City wants to withdraw our request for approval until the Council revises the language and resubmits a new version to the Coastal Commission. The Ordinance would then be open to revision throughout, not just with regard to the specific language of concern at this meeting.

If Council leaves the current process in place, and the Ordinance is approved on Wednesday by the Coastal Commission, it becomes part of our approved Local Coastal Plan, and any changes, including simply undoing it, would require substantial time and process, including Coastal Commission review and approval.